

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHN LASPISA,

Plaintiff,

- v -

Civ. No. 1:19-CV-228
(GTS/DJS)

CITIFINACIAL COMPANY; CARRINGTON
MORTGAGE SERVICES; DOES 1 TO 20,

Defendants.

APPEARANCES:

OF COUNSEL:

JOHN LASPISA
Plaintiff, *Pro Se*
166 Ballston Ave.
Ballston Spa, New York 12020

DANIEL J. STEWART
United States Magistrate Judge

REPORT-RECOMMENDATION and ORDER¹

The Clerk of the Court has sent to the undersigned for review a Motion for Leave to Proceed *In Forma Pauperis* (“IFP”) filed by *pro se* Plaintiff. Dkt. No. 2, IFP App. Based upon the information provided in Plaintiff’s Motion, this Court determines that Plaintiff has the ability to pre-pay the entire \$400 filing fee required to maintain this action. In particular, Plaintiff’s Motion reflects that he receives over \$3,000 in gross pay or wages a month. *See* Dkt. No. 2.

¹ “A decision to deny or revoke IFP status [] is generally regarded as dispositive and thus falls outside [magistrate judges’] purview.” *Abreu v. Lira*, 2014 WL 4966911, at *2 n.1 (N.D.N.Y. Sept. 30, 2014) (citing *Kiobel v. Millson*, 592 F.3d 78, 92 (2d Cir. 2010)).

The Court recommends that the District Court dismiss Plaintiff's Complaint if he does not submit the filing fee within thirty (30) days of the filing date of this Report-Recommendation and Order.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have fourteen (14)² days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN (14) DAYS WILL PRECLUDE APPELLATE REVIEW.** *Roldan v. Racette*, 984 F.2d 85, 89 (2d Cir. 1993) (citing *Small v. Sec'y of Health and Human Servs.*, 892 F.2d 15 (2d Cir. 1989)); *see also* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72 & 6(a).

IT IS SO ORDERED.

Date: May 20, 2019
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge

² If you are proceeding *pro se* and are served with this Order by mail, three additional days will be added to the fourteen-day period, meaning that you have seventeen days from the date the order was mailed to you to serve and file objections. FED. R. CIV. P. 6(d). If the last day of that prescribed period falls on a Saturday, Sunday, or legal holiday, then the deadline is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. FED. R. CIV. P. 6(a)(1)(C).